

### **Listing of the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) An isolated DNA sequence comprising encoding a functional human IL-18BP promoter which is encoded by SEQ ID NO:1, or a functional human IL-18BP promoter activity containing fragment or a functional human IL-18BP promoter activity containing derivative thereof wherein the functional human IL-18BP promoter activity containing fragment or the functional human IL-18BP promoter activity containing derivative thereof comprise SEQ ID NO: 3 and wherein the 3' end of said isolated DNA sequence or fragment thereof comprises at the 3' end one to 51 nucleotides one to 51 [[from]] of the 5' end of SEQ ID NO: 5.
2. (Currently amended) An isolated DNA sequence comprising a functional human IL-18BP promoter which is SEQ ID NO:1, a fragment or a derivative thereof wherein the fragment or the derivative thereof comprises human IL-18BP activity and comprises SEQ ID NO: 3 and wherein the 3' end of said DNA sequence or fragment thereof comprises at the 3' end one to 51 nucleotides of the 5' end of SEQ ID NO: 5 The isolated DNA sequence according to claim 1, and wherein the derivative is mutated at one or more AP1 sites present in a silencer element present in the SEQ ID NO: 3 sequence.
- 3-4. (Cancelled)
5. (Previously presented) The isolated DNA sequence according to claim 1, further comprising an intron.
6. (Currently amended) The isolated DNA isolated sequence according to claim 5, wherein the intron consists of the first intron of IL-18BP.
7. (Previously presented) The isolated DNA sequence according to claim 1, further containing a gene operatively linked to the IL-18BP promoter.
8. (Previously presented) The isolated DNA sequence according to claim 7, wherein the gene encodes IL-18BP.
9. (Previously presented) The isolated DNA sequence according to claim 7, wherein the gene encodes a heterologous protein.

10. (Previously presented) The isolated DNA sequence according to claim 9, wherein the heterologous gene encodes the luciferase gene.
11. (Previously presented) The isolated DNA sequence according to claim 9, wherein the heterologous gene encodes a protein selected from interferon-beta, TNF, erythropoietin, tissue plasminogen activator, granulocyte colony stimulating factor, manganese-superoxide 41 dismutase, an immunoglobulin, or fragment thereof, growth hormone, FSH, hCG, IL- 18, hsLDLR and TNF receptor binding proteins.
12. (Previously presented) A vector comprising a DNA sequence according to claim 1.
13. (Previously presented) An isolated host cell comprising a vector according to claim 12.
14. (Previously presented) An isolated host cell according to claim 13, being a mammalian cell.
15. (Previously presented) An isolated host cell according to claim 14, selected from the group consisting of CHO, WISH, HepG2, Cos, CV- 1, HeLa, and Hukat U937 cells.
16. (Cancelled)
17. (Previously presented) A recombinant virus vector which comprises a portion of the virus genome, a DNA fragment encoding a gene of interest and a DNA fragment comprising a DNA sequence encoding the human IL- 18BP promoter according to claim 1, operably linked to the gene of interest.
18. (Original) A recombinant virus vector according to claim 17, wherein the gene of interest is selected from interferon-beta, TNF, erythropoietin, tissue plasminogen activator, granulocyte colony stimulating factor, manganese-superoxide dismutase, an immunoglobulin, or fragment thereof, growth hormone, FSH, hCG, IL- 18, hsLDLR and TNF receptor binding proteins.
19. (Original) A recombinant virus vector according to claim 17, wherein the portion of the virus genome belongs to an adeno-associated virus.
- 20-33. (Cancelled)
34. (Currently amended) A pharmaceutical composition comprising a DNA sequence comprising encoding the human IL- 18BP functional promoter which is encoded by SEQ

ID NO: 1, ~~or a functional human IL-18BP promoter activity containing fragment or a functional human IL-18BP promoter activity containing derivative thereof wherein the functional human IL-18BP promoter activity containing fragment or the functional human IL-18BP promoter activity containing derivative thereof comprises human IL-18BP activity and comprises SEQ ID NO: 3 and wherein the 3' end of said isolated DNA sequence or fragment thereof comprises at the 3' end one to 51 nucleotides one to 51~~ comprises human IL-18BP activity and comprises SEQ ID NO: 3 and wherein the 3' end of said isolated DNA sequence or fragment thereof comprises at the 3' end one to 51 nucleotides one to 51 ~~[[from]]~~ of the 5' end of SEQ ID NO: 5.

35. (New) The isolated DNA sequence according to claim 2, wherein the fragment consists of SEQ ID NO: 2.
36. (New) The isolated DNA sequence according to claim 2, further comprising an intron.
37. (New) The isolated DNA sequence according to claim 36, wherein the intron consists of the first intron of IL-18BP.
38. (New) The isolated DNA sequence according to claim 2, further containing a gene operatively linked to the IL-18BP promoter.
39. (New) The isolated DNA sequence according to claim 38, wherein the gene encodes IL-18BP.
40. (New) The isolated DNA sequence according to claim 38, wherein the gene encodes a heterologous protein.
41. (New) The isolated DNA sequence according to claim 40, wherein the heterologous gene encodes the luciferase gene.
42. (New) The isolated DNA sequence according to claim 40, wherein the heterologous gene encodes a protein selected from interferon-beta, TNF, erythropoietin, tissue plasminogen activator, granulocyte colony stimulating factor, manganese-superoxide dismutase, an immunoglobulin, or fragment thereof, growth hormone, FSH, hCG, IL-18, hsLDLR and TNF receptor binding proteins.
43. (New) A vector comprising a DNA sequence according to claim 2.
44. (New) An isolated host cell comprising a vector according to claim 43.
45. (New) An isolated host cell according to claim 44, being a mammalian cell.

46. (New) An isolated host cell according to claim 45, selected from the group consisting of CHO, WISH, HepG2, Cos, CV- 1, HeLA, and Hakat U937 cells.
47. (New) A recombinant virus vector which comprises a portion of the virus genome, a DNA fragment encoding a gene of interest and a DNA fragment comprising a DNA sequence encoding the human IL- 18BP promoter according to claim 2, operably linked to the gene of interest.
48. (New) A recombinant virus vector according to claim 47, wherein the gene of interest is selected from interferon-beta, TNF, erythropoietin, tissue plasminogen activator, granulocyte colony stimulating factor, manganese-superoxide dismutase, an immunoglobulin, or fragment thereof, growth hormone, FSH, hCG, IL- 18, hsLDLR and TNF receptor binding proteins.
49. (New) A recombinant virus vector according to claim 47, wherein the portion of the virus genome belongs to an adeno-associated virus.
50. (New) A pharmaceutical composition comprising an isolated DNA sequence comprising a functional human IL-18BP promoter which is SEQ ID NO:1, or a fragment or a derivative thereof wherein the fragment or the derivative thereof comprises functional human IL-18BP activity and comprises SEQ ID NO: 3, and wherein the 3' end of said DNA sequence or fragment thereof comprises at the 3' end one to 51 nucleotides of the 5' end of SEQ ID NO: 5, and wherein the derivative is mutated at one or more AP1 sites present in a silencer element present in the SEQ ID NO: 3.